



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2612

Introduced 2/20/2009, by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

65 ILCS 5/1-2-1	from Ch. 24, par. 1-2-1
65 ILCS 5/1-2-1.1	from Ch. 24, par. 1-2-1.1
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/11-208.6	

Amends the Illinois Municipal Code. Provides that the corporate authorities of each municipality may require a defendant to complete an education program for each ordinance violation committed. Amends the Illinois Vehicle Code. Provides that a vehicle owner may have to complete a traffic education program for a violation of the Illinois Vehicle Code or a local ordinance recorded by an automated traffic law enforcement system. In a provision authorizing municipalities to provide for a system of administrative adjudication for violations of parking, standing, compliance, and automated traffic laws, provides that the administrative system shall have the authority to adjudicate any civil offense carrying a fine not in excess of \$250 or "requiring the completion of a traffic education program, or both". Provides that the notice of a parking, standing, compliance, or automated traffic law violation shall specify any requirement to complete a traffic education program. Specifies other notice requirements. In a provision pertaining to vehicle immobilization, adds that a vehicle shall be eligible for immobilization when the registered owner of the vehicle has failed to complete a specific number of traffic education programs as determined by ordinance.

LRB096 11329 RLJ 21775 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education programs.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 1-2-1 and 1-2-1.1 as follows:

6 (65 ILCS 5/1-2-1) (from Ch. 24, par. 1-2-1)

7 Sec. 1-2-1. The corporate authorities of each municipality
8 may pass all ordinances and make all rules and regulations
9 proper or necessary, to carry into effect the powers granted to
10 municipalities, with such fines or penalties as may be deemed
11 proper. No fine or penalty, however, except civil penalties
12 provided for failure to make returns or to pay any taxes levied
13 by the municipality shall exceed \$750 and no imprisonment
14 authorized in Section 1-2-9 for failure to pay any fine,
15 penalty or cost shall exceed 6 months for one offense.

16 A penalty imposed for violation of an ordinance may
17 include, or consist of, a requirement that the defendant do one
18 or both of the following:

19 (1) Complete an education program.

20 (2) Perform ~~perform~~ some reasonable public service
21 work such as but not limited to the picking up of litter in
22 public parks or along public highways or the maintenance of
23 public facilities.

1 A default in the payment of a fine or penalty or any
2 installment of a fine or penalty may be collected by any means
3 authorized for the collection of monetary judgments. The
4 municipal attorney of the municipality in which the fine or
5 penalty was imposed may retain attorneys and private collection
6 agents for the purpose of collecting any default in payment of
7 any fine or penalty or installment of that fine or penalty. Any
8 fees or costs incurred by the municipality with respect to
9 attorneys or private collection agents retained by the
10 municipal attorney under this Section shall be charged to the
11 offender.

12 (Source: P.A. 95-389, eff. 1-1-08.)

13 (65 ILCS 5/1-2-1.1) (from Ch. 24, par. 1-2-1.1)

14 Sec. 1-2-1.1. The corporate authorities of each
15 municipality may pass ordinances, not inconsistent with the
16 criminal laws of this State, to regulate any matter expressly
17 within the authorized powers of the municipality, or incidental
18 thereto, making violation thereof a misdemeanor punishable by
19 incarceration in a penal institution other than the
20 penitentiary not to exceed 6 months. The municipality is
21 authorized to prosecute violations of penal ordinances enacted
22 under this Section as criminal offenses by its corporate
23 attorney in the circuit court by an information, or complaint
24 sworn to, charging such offense. The prosecution shall be under
25 and conform to the rules of criminal procedure. Conviction

1 shall require the municipality to establish the guilt of the
2 defendant beyond reasonable doubt.

3 A penalty imposed for violation of an ordinance may
4 include, or consist of, a requirement that the defendant do one
5 or both of the following:

6 (1) Complete an education program.

7 (2) Perform ~~perform~~ some reasonable public service
8 work such as but not limited to the picking up of litter in
9 public parks or along public highways or the maintenance of
10 public facilities.

11 This Section shall not apply to or affect ordinances now or
12 hereafter enacted pursuant to Sections 11-5-1, 11-5-2, 11-5-3,
13 11-5-4, 11-5-5, 11-5-6, 11-40-1, 11-40-2, 11-40-2a, 11-40-3,
14 11-80-9 and 11-80-16 of the Illinois Municipal Code, as now or
15 hereafter amended, nor to Sections enacted after this 1969
16 amendment which replace or add to the Sections herein
17 enumerated, nor to ordinances now in force or hereafter enacted
18 pursuant to authority granted to local authorities by Section
19 11-208 of "The Illinois Vehicle Code", approved September 29,
20 1969, as now or hereafter amended.

21 (Source: P.A. 86-299.)

22 Section 10. The Illinois Vehicle Code is amended by
23 changing Sections 11-208.3 and 11-208.6 as follows:

24 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

1 Sec. 11-208.3. Administrative adjudication of violations
2 of traffic regulations concerning the standing, parking, or
3 condition of vehicles and automated traffic law violations.

4 (a) Any municipality may provide by ordinance for a system
5 of administrative adjudication of vehicular standing and
6 parking violations and vehicle compliance violations as
7 defined in this subsection and automated traffic law violations
8 as defined in Section 11-208.6. The administrative system shall
9 have as its purpose the fair and efficient enforcement of
10 municipal regulations through the administrative adjudication
11 of automated traffic law violations and violations of municipal
12 ordinances regulating the standing and parking of vehicles, the
13 condition and use of vehicle equipment, and the display of
14 municipal wheel tax licenses within the municipality's
15 borders. The administrative system shall only have authority to
16 adjudicate civil offenses carrying fines not in excess of \$250
17 or requiring the completion of a traffic education program, or
18 both, that occur after the effective date of the ordinance
19 adopting such a system under this Section. For purposes of this
20 Section, "compliance violation" means a violation of a
21 municipal regulation governing the condition or use of
22 equipment on a vehicle or governing the display of a municipal
23 wheel tax license.

24 (b) Any ordinance establishing a system of administrative
25 adjudication under this Section shall provide for:

26 (1) A traffic compliance administrator authorized to

1 adopt, distribute and process parking, compliance, and
2 automated traffic law violation notices and other notices
3 required by this Section, collect money paid as fines and
4 penalties for violation of parking and compliance
5 ordinances and automated traffic law violations, and
6 operate an administrative adjudication system. The traffic
7 compliance administrator also may make a certified report
8 to the Secretary of State under Section 6-306.5.

9 (2) A parking, standing, compliance, or automated
10 traffic law violation notice that shall specify the date,
11 time, and place of violation of a parking, standing,
12 compliance, or automated traffic law regulation; the
13 particular regulation violated; any requirement to
14 complete a traffic education program; the fine and any
15 penalty that may be assessed for late payment or failure to
16 complete a required traffic education program, or both,
17 when so provided by ordinance; the vehicle make and state
18 registration number; and the identification number of the
19 person issuing the notice. With regard to automated traffic
20 law violations, vehicle make shall be specified on the
21 automated traffic law violation notice if the make is
22 available and readily discernible. With regard to
23 municipalities with a population of 1 million or more, it
24 shall be grounds for dismissal of a parking violation if
25 the state registration number or vehicle make specified is
26 incorrect. The violation notice shall state that the

1 completion of any required traffic education program, the
2 payment of any ~~the~~ indicated fine, and the payment of any
3 applicable penalty for late payment or failure to complete
4 a required traffic education program, or both, shall
5 operate as a final disposition of the violation. The notice
6 also shall contain information as to the availability of a
7 hearing in which the violation may be contested on its
8 merits. The violation notice shall specify the time and
9 manner in which a hearing may be had.

10 (3) Service of the parking, standing, or compliance
11 violation notice by affixing the original or a facsimile of
12 the notice to an unlawfully parked vehicle or by handing
13 the notice to the operator of a vehicle if he or she is
14 present and service of an automated traffic law violation
15 notice by mail to the address of the registered owner of
16 the cited vehicle as recorded with the Secretary of State
17 within 30 days after the Secretary of State notifies the
18 municipality or county of the identity of the owner of the
19 vehicle, but in no event later than 90 days after the
20 violation. A person authorized by ordinance to issue and
21 serve parking, standing, and compliance violation notices
22 shall certify as to the correctness of the facts entered on
23 the violation notice by signing his or her name to the
24 notice at the time of service or in the case of a notice
25 produced by a computerized device, by signing a single
26 certificate to be kept by the traffic compliance

1 administrator attesting to the correctness of all notices
2 produced by the device while it was under his or her
3 control. In the case of an automated traffic law violation,
4 the ordinance shall require a determination by a technician
5 employed or contracted by the municipality or county that,
6 based on inspection of recorded images, the motor vehicle
7 was being operated in violation of Section 11-208.6 or a
8 local ordinance. If the technician determines that the
9 vehicle entered the intersection as part of a funeral
10 procession or in order to yield the right-of-way to an
11 emergency vehicle, a citation shall not be issued. The
12 original or a facsimile of the violation notice or, in the
13 case of a notice produced by a computerized device, a
14 printed record generated by the device showing the facts
15 entered on the notice, shall be retained by the traffic
16 compliance administrator, and shall be a record kept in the
17 ordinary course of business. A parking, standing,
18 compliance, or automated traffic law violation notice
19 issued, signed and served in accordance with this Section,
20 a copy of the notice, or the computer generated record
21 shall be prima facie correct and shall be prima facie
22 evidence of the correctness of the facts shown on the
23 notice. The notice, copy, or computer generated record
24 shall be admissible in any subsequent administrative or
25 legal proceedings.

26 (4) An opportunity for a hearing for the registered

1 owner of the vehicle cited in the parking, standing,
2 compliance, or automated traffic law violation notice in
3 which the owner may contest the merits of the alleged
4 violation, and during which formal or technical rules of
5 evidence shall not apply; provided, however, that under
6 Section 11-1306 of this Code the lessee of a vehicle cited
7 in the violation notice likewise shall be provided an
8 opportunity for a hearing of the same kind afforded the
9 registered owner. The hearings shall be recorded, and the
10 person conducting the hearing on behalf of the traffic
11 compliance administrator shall be empowered to administer
12 oaths and to secure by subpoena both the attendance and
13 testimony of witnesses and the production of relevant books
14 and papers. Persons appearing at a hearing under this
15 Section may be represented by counsel at their expense. The
16 ordinance may also provide for internal administrative
17 review following the decision of the hearing officer.

18 (5) Service of additional notices, sent by first class
19 United States mail, postage prepaid, to the address of the
20 registered owner of the cited vehicle as recorded with the
21 Secretary of State or, if any notice to that address is
22 returned as undeliverable, to the last known address
23 recorded in a United States Post Office approved database,
24 or, under Section 11-1306 of this Code, to the lessee of
25 the cited vehicle at the last address known to the lessor
26 of the cited vehicle at the time of lease or, if any notice

1 to that address is returned as undeliverable, to the last
2 known address recorded in a United States Post Office
3 approved database. The service shall be deemed complete as
4 of the date of deposit in the United States mail. The
5 notices shall be in the following sequence and shall
6 include but not be limited to the information specified
7 herein:

8 (i) A second notice of parking, standing, or
9 compliance violation. This notice shall specify the
10 date and location of the violation cited in the
11 parking, standing, or compliance violation notice, the
12 particular regulation violated, the vehicle make and
13 state registration number, any requirement to complete
14 a traffic education program, the fine and any penalty
15 that may be assessed for late payment or failure to
16 complete a traffic education program, or both, when so
17 provided by ordinance, the availability of a hearing in
18 which the violation may be contested on its merits, and
19 the time and manner in which the hearing may be had.
20 The notice of violation shall also state that failure
21 to complete a required traffic education program,
22 ~~either~~ to pay the indicated fine and any applicable
23 penalty, or to appear at a hearing on the merits in the
24 time and manner specified, will result in a final
25 determination of violation liability for the cited
26 violation in the amount of the fine or penalty

1 indicated, and that, upon the occurrence of a final
2 determination of violation liability for the failure,
3 and the exhaustion of, or failure to exhaust, available
4 administrative or judicial procedures for review, any
5 incomplete traffic education program or any unpaid
6 fine or penalty, or both, will constitute a debt due
7 and owing the municipality.

8 (ii) A notice of final determination of parking,
9 standing, compliance, or automated traffic law
10 violation liability. This notice shall be sent
11 following a final determination of parking, standing,
12 compliance, or automated traffic law violation
13 liability and the conclusion of judicial review
14 procedures taken under this Section. The notice shall
15 state that the incomplete traffic education program or
16 the unpaid fine or penalty, or both, is a debt due and
17 owing the municipality. The notice shall contain
18 warnings that failure to complete any required traffic
19 education program or to pay any fine or penalty due and
20 owing the municipality, or both, within the time
21 specified may result in the municipality's filing of a
22 petition in the Circuit Court to have the incomplete
23 traffic education program or unpaid fine or penalty, or
24 both, rendered a judgment as provided by this Section,
25 or may result in suspension of the person's drivers
26 license for failure to complete a traffic education

1 program or to pay fines or penalties, or both, for 10
2 or more parking violations under Section 6-306.5 or 5
3 or more automated traffic law violations under Section
4 11-208.6.

5 (6) A notice ~~Notice~~ of impending drivers license
6 suspension. This notice shall be sent to the person liable
7 for failure to complete a required traffic education
8 program or to pay any fine or penalty that remains due and
9 owing, or both, on 10 or more parking violations or 5 or
10 more unpaid automated traffic law violations. The notice
11 shall state that failure to complete a required traffic
12 education program or to pay the fine or penalty owing, or
13 both, within 45 days of the notice's date will result in
14 the municipality notifying the Secretary of State that the
15 person is eligible for initiation of suspension
16 proceedings under Section 6-306.5 of this Code. The notice
17 shall also state that the person may obtain a photostatic
18 copy of an original ticket imposing a fine or penalty by
19 sending a self addressed, stamped envelope to the
20 municipality along with a request for the photostatic copy.
21 The notice of impending drivers license suspension shall be
22 sent by first class United States mail, postage prepaid, to
23 the address recorded with the Secretary of State or, if any
24 notice to that address is returned as undeliverable, to the
25 last known address recorded in a United States Post Office
26 approved database.

1 (7) Final determinations of violation liability. A
2 final determination of violation liability shall occur
3 following failure to complete the required traffic
4 education program or to pay the fine or penalty, or both,
5 after a hearing officer's determination of violation
6 liability and the exhaustion of or failure to exhaust any
7 administrative review procedures provided by ordinance.
8 Where a person fails to appear at a hearing to contest the
9 alleged violation in the time and manner specified in a
10 prior mailed notice, the hearing officer's determination
11 of violation liability shall become final: (A) upon denial
12 of a timely petition to set aside that determination, or
13 (B) upon expiration of the period for filing the petition
14 without a filing having been made.

15 (8) A petition to set aside a determination of parking,
16 standing, compliance, or automated traffic law violation
17 liability that may be filed by a person owing an unpaid
18 fine or penalty. A petition to set aside a determination of
19 liability may also be filed by a person required to
20 complete a traffic education program. The petition shall be
21 filed with and ruled upon by the traffic compliance
22 administrator in the manner and within the time specified
23 by ordinance. The grounds for the petition may be limited
24 to: (A) the person not having been the owner or lessee of
25 the cited vehicle on the date the violation notice was
26 issued, (B) the person having already completed the

1 required traffic education program or paid the fine or
2 penalty, or both, for the violation in question, and (C)
3 excusable failure to appear at or request a new date for a
4 hearing. With regard to municipalities with a population of
5 1 million or more, it shall be grounds for dismissal of a
6 parking violation if the state registration number, or
7 vehicle make if specified, is incorrect. After the
8 determination of parking, standing, compliance, or
9 automated traffic law violation liability has been set
10 aside upon a showing of just cause, the registered owner
11 shall be provided with a hearing on the merits for that
12 violation.

13 (9) Procedures for non-residents. Procedures by which
14 persons who are not residents of the municipality may
15 contest the merits of the alleged violation without
16 attending a hearing.

17 (10) A schedule of civil fines for violations of
18 vehicular standing, parking, compliance, or automated
19 traffic law regulations enacted by ordinance pursuant to
20 this Section, and a schedule of penalties for late payment
21 of the fines or failure to complete required traffic
22 education programs, provided, however, that the total
23 amount of the fine and penalty for any one violation shall
24 not exceed \$250, except as provided in subsection (c) of
25 Section 11-1301.3 of this Code.

26 (11) Other provisions as are necessary and proper to

1 carry into effect the powers granted and purposes stated in
2 this Section.

3 (c) Any municipality establishing vehicular standing,
4 parking, compliance, or automated traffic law regulations
5 under this Section may also provide by ordinance for a program
6 of vehicle immobilization for the purpose of facilitating
7 enforcement of those regulations. The program of vehicle
8 immobilization shall provide for immobilizing any eligible
9 vehicle upon the public way by presence of a restraint in a
10 manner to prevent operation of the vehicle. Any ordinance
11 establishing a program of vehicle immobilization under this
12 Section shall provide:

13 (1) Criteria for the designation of vehicles eligible
14 for immobilization. A vehicle shall be eligible for
15 immobilization when the registered owner of the vehicle has
16 accumulated the number of incomplete traffic education
17 programs or unpaid final determinations of parking,
18 standing, compliance, or automated traffic law violation
19 liability, or both, as determined by ordinance.

20 (2) A notice of impending vehicle immobilization and a
21 right to a hearing to challenge the validity of the notice
22 by disproving liability for the incomplete traffic
23 education programs or unpaid final determinations of
24 parking, standing, compliance, or automated traffic law
25 violation liability, or both, listed on the notice.

26 (3) The right to a prompt hearing after a vehicle has

1 been immobilized or subsequently towed without the
2 completion of the required traffic education program or
3 payment of the outstanding fines and penalties on parking,
4 standing, compliance, or automated traffic law violations,
5 or both, for which final determinations have been issued.
6 An order issued after the hearing is a final administrative
7 decision within the meaning of Section 3-101 of the Code of
8 Civil Procedure.

9 (4) A post immobilization and post-towing notice
10 advising the registered owner of the vehicle of the right
11 to a hearing to challenge the validity of the impoundment.

12 (d) Judicial review of final determinations of parking,
13 standing, compliance, or automated traffic law violations and
14 final administrative decisions issued after hearings regarding
15 vehicle immobilization and impoundment made under this Section
16 shall be subject to the provisions of the Administrative Review
17 Law.

18 (e) Any fine, penalty, incomplete traffic education
19 program, or part of any fine or any penalty remaining unpaid
20 after the exhaustion of, or the failure to exhaust,
21 administrative remedies created under this Section and the
22 conclusion of any judicial review procedures shall be a debt
23 due and owing the municipality and, as such, may be collected
24 in accordance with applicable law. Completion of any required
25 traffic education program and payment ~~Payment~~ in full of any
26 fine or penalty resulting from a standing, parking, compliance,

1 or automated traffic law violation shall constitute a final
2 disposition of that violation.

3 (f) After the expiration of the period within which
4 judicial review may be sought for a final determination of
5 parking, standing, compliance, or automated traffic law
6 violation, the municipality may commence a proceeding in the
7 Circuit Court for purposes of obtaining a judgment on the final
8 determination of violation. Nothing in this Section shall
9 prevent a municipality from consolidating multiple final
10 determinations of parking, standing, compliance, or automated
11 traffic law violations against a person in a proceeding. Upon
12 commencement of the action, the municipality shall file a
13 certified copy or record of the final determination of parking,
14 standing, compliance, or automated traffic law violation,
15 which shall be accompanied by a certification that recites
16 facts sufficient to show that the final determination of
17 violation was issued in accordance with this Section and the
18 applicable municipal ordinance. Service of the summons and a
19 copy of the petition may be by any method provided by Section
20 2-203 of the Code of Civil Procedure or by certified mail,
21 return receipt requested, provided that the total amount of
22 fines and penalties for final determinations of parking,
23 standing, compliance, or automated traffic law violations does
24 not exceed \$2500. If the court is satisfied that the final
25 determination of parking, standing, compliance, or automated
26 traffic law violation was entered in accordance with the

1 requirements of this Section and the applicable municipal
2 ordinance, and that the registered owner or the lessee, as the
3 case may be, had an opportunity for an administrative hearing
4 and for judicial review as provided in this Section, the court
5 shall render judgment in favor of the municipality and against
6 the registered owner or the lessee for the amount indicated in
7 the final determination of parking, standing, compliance, or
8 automated traffic law violation, plus costs. The judgment shall
9 have the same effect and may be enforced in the same manner as
10 other judgments for the recovery of money.

11 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;
12 94-930, eff. 6-26-06; 95-331, eff. 8-21-07.)

13 (625 ILCS 5/11-208.6)

14 Sec. 11-208.6. Automated traffic law enforcement system.

15 (a) As used in this Section, "automated traffic law
16 enforcement system" means a device with one or more motor
17 vehicle sensors working in conjunction with a red light signal
18 to produce recorded images of motor vehicles entering an
19 intersection against a red signal indication in violation of
20 Section 11-306 of this Code or a similar provision of a local
21 ordinance.

22 An automated traffic law enforcement system is a system, in
23 a municipality or county operated by a governmental agency,
24 that produces a recorded image of a motor vehicle's violation
25 of a provision of this Code or a local ordinance and is

1 designed to obtain a clear recorded image of the vehicle and
2 the vehicle's license plate. The recorded image must also
3 display the time, date, and location of the violation.

4 (b) As used in this Section, "recorded images" means images
5 recorded by an automated traffic law enforcement system on:

6 (1) 2 or more photographs;

7 (2) 2 or more microphotographs;

8 (3) 2 or more electronic images; or

9 (4) a video recording showing the motor vehicle and, on
10 at least one image or portion of the recording, clearly
11 identifying the registration plate number of the motor
12 vehicle.

13 (c) A county or municipality, including a home rule county
14 or municipality, may not use an automated traffic law
15 enforcement system to provide recorded images of a motor
16 vehicle for the purpose of recording its speed. The regulation
17 of the use of automated traffic law enforcement systems to
18 record vehicle speeds is an exclusive power and function of the
19 State. This subsection (c) is a denial and limitation of home
20 rule powers and functions under subsection (h) of Section 6 of
21 Article VII of the Illinois Constitution.

22 (d) For each violation of a provision of this Code or a
23 local ordinance recorded by an automatic traffic law
24 enforcement system, the county or municipality having
25 jurisdiction shall issue a written notice of the violation to
26 the registered owner of the vehicle as the alleged violator.

1 The notice shall be delivered to the registered owner of the
2 vehicle, by mail, within 30 days after the Secretary of State
3 notifies the municipality or county of the identity of the
4 owner of the vehicle, but in no event later than 90 days after
5 the violation.

6 The notice shall include:

7 (1) the name and address of the registered owner of the
8 vehicle;

9 (2) the registration number of the motor vehicle
10 involved in the violation;

11 (3) the violation charged;

12 (4) the location where the violation occurred;

13 (5) the date and time of the violation;

14 (6) a copy of the recorded images;

15 (7) the amount of the civil penalty imposed and the
16 requirements of any traffic education program imposed and
17 the date by which the civil penalty should be paid and the
18 traffic education program should be completed;

19 (8) a statement that recorded images are evidence of a
20 violation of a red light signal;

21 (9) a warning that failure to pay the civil penalty, to
22 complete a required traffic education program, or to
23 contest liability in a timely manner is an admission of
24 liability and may result in a suspension of the driving
25 privileges of the registered owner of the vehicle; and

26 (10) a statement that the person may elect to proceed

1 by:

2 (A) paying the fine, completing a required traffic
3 education program, or both; or

4 (B) challenging the charge in court, by mail, or by
5 administrative hearing.

6 (e) If a person charged with a traffic violation, as a
7 result of an automated traffic law enforcement system, does not
8 pay the fine or complete a required traffic education program,
9 or both, or successfully contest the civil penalty resulting
10 from that violation, the Secretary of State shall suspend the
11 driving privileges of the registered owner of the vehicle under
12 Section 6-306.5 of this Code for failing to complete required
13 traffic education program or to pay any fine or penalty due and
14 owing, or both, as a result of 5 violations of the automated
15 traffic law enforcement system.

16 (f) Based on inspection of recorded images produced by an
17 automated traffic law enforcement system, a notice alleging
18 that the violation occurred shall be evidence of the facts
19 contained in the notice and admissible in any proceeding
20 alleging a violation under this Section.

21 (g) Recorded images made by an automatic traffic law
22 enforcement system are confidential and shall be made available
23 only to the alleged violator and governmental and law
24 enforcement agencies for purposes of adjudicating a violation
25 of this Section, for statistical purposes, or for other
26 governmental purposes. Any recorded image evidencing a

1 violation of this Section, however, may be admissible in any
2 proceeding resulting from the issuance of the citation.

3 (h) The court or hearing officer may consider in defense of
4 a violation:

5 (1) that the motor vehicle or registration plates of
6 the motor vehicle were stolen before the violation occurred
7 and not under the control of or in the possession of the
8 owner at the time of the violation;

9 (2) that the driver of the vehicle passed through the
10 intersection when the light was red either (i) in order to
11 yield the right-of-way to an emergency vehicle or (ii) as
12 part of a funeral procession; and

13 (3) any other evidence or issues provided by municipal
14 or county ordinance.

15 (i) To demonstrate that the motor vehicle or the
16 registration plates were stolen before the violation occurred
17 and were not under the control or possession of the owner at
18 the time of the violation, the owner must submit proof that a
19 report concerning the stolen motor vehicle or registration
20 plates was filed with a law enforcement agency in a timely
21 manner.

22 (j) Unless the driver of the motor vehicle received a
23 Uniform Traffic Citation from a police officer at the time of
24 the violation, the motor vehicle owner is subject to a civil
25 penalty not exceeding \$100 or the completion of a traffic
26 education program, or both, plus an additional penalty of not

1 more than \$100 for failure to pay the original penalty or to
2 complete a required traffic education program, or both, in a
3 timely manner, if the motor vehicle is recorded by an automated
4 traffic law enforcement system. A violation for which a civil
5 penalty is imposed under this Section is not a violation of a
6 traffic regulation governing the movement of vehicles and may
7 not be recorded on the driving record of the owner of the
8 vehicle.

9 (k) An intersection equipped with an automated traffic law
10 enforcement system must be posted with a sign visible to
11 approaching traffic indicating that the intersection is being
12 monitored by an automated traffic law enforcement system.

13 (l) The compensation paid for an automated traffic law
14 enforcement system must be based on the value of the equipment
15 or the services provided and may not be based on the number of
16 traffic citations issued or the revenue generated by the
17 system.

18 (m) This Section applies only to the counties of Cook,
19 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
20 to municipalities located within those counties.

21 (Source: P.A. 94-795, eff. 5-22-06.)